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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,225	10/22/1999	HIROYUKI SAITO	35.C13942	9248
5514	7590	08/27/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				POKRZYWA, JOSEPH R
ART UNIT		PAPER NUMBER		
2622				

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/425,225	SAITO, HIROYUKI	

Examiner	Art Unit	
Joseph R. Pokrzywa	2622	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b])

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-7 and 12-20.

Claim(s) withdrawn from consideration: _____.

8. The drawing correction filed on _____ is a)a) approved or b)b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. Other: _____.



EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

DETAILED ACTION

Period for Reply

1. The period for reply continues to run 3 MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be timely filed to avoid abandonment of this application.

Response to Amendment

2. The amendment filed 6/24/04 under 37 CFR 1.116 in reply to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claim(s): none

Rejected claim(s): 1-7, and 12-20

Claim(s) objected to: none

Response to Arguments

3. Applicant's arguments filed 6/24/04 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the rejection of **claim 1**, which was cited in the Office action dated 3/24/04 as being anticipated by Isozaki (U.S. Patent Number 6,141,110), whereby applicant argues on page 10 that Isozaki fails to teach of a storage means for storing and holding information regarding a final exciting phase of the stepping motor upon entering a software power-off state in which consumption of electrical power of the recording apparatus is restricted. Isozaki teaches in column 5, lines 36 through 40, "excitation phase data indicative of the phases excited at that time point is stored in the data area 139, and the excitation phase counter MPC indicative of that excitation phase data is outputted to and memorized in the RAM 130." Thus, information (interpreted as the excitation phase counter MPC) regarding a final excitation phase of a stepping motor is stored in the RAM 130. Further, at the same time as the storing of the excitation phase counter MPC, "the stepping motor is stopped or placed in the pause mode at step S30", as read in column 5, lines 34 through 36. With this, one of ordinary skill in the art can recognize that the stepping motor is placed in a pause mode, whereby the pause mode causes the stepping motor to stop. Thus, the pause mode can be interpreted as a power off state in the recording mode, wherein the electrical power of the apparatus is inherently restricted, since the stepping motor is stopped. Therefore, Isozaki is seen to teach that the RAM 130 stores information regarding a final exciting phase of the stepping motor upon entering a software power-off state in which consumption of electrical power of the recording apparatus is restricted, as required in the claim.

In response to applicant's arguments regarding the rejection of **claim 2**, whereby applicant argues on pages 10 and 11 that Isozaki fails to further teach of a storage means which holds information regarding the termination status indicating the presence/absence of an abnormality at the time of entering a software power-off state, and controlling based on the information regarding the termination status being abnormal. Isozaki teaches in column 5, lines 4 through 11 that the MPC has the counts of 1, 2, 3, or 4 in the case of the phases excitations of A-B, B-C, C-D, and D-A, respectively. Further, as read in column 5, lines 41 through 47, the excitation phases that are to be excited are fixed to A-B phases. Thus, if the stepping motor is in any of the phases excitations of B-C, C-D, or D-A upon starting a recording operation after being stopped in a pause mode, the MPC stored in the RAM 130 would have values of a 2, 3, or 4. This can be interpreted as information regarding the termination status that indicates the presence or absence of an abnormality at the time of entering the power off state. Further, as seen in Fig. 4, and read in column 5, line 48 through column 6, line 5, the system is controlled based on the MPC values stored in the RAM 130.

In response to applicant's arguments regarding the rejection of **claims 4 and 5**, whereby applicant argues on page 11 that Isozaki fails to teach of a sensor which either detects whether the driven member moves by a predetermined number of pulses when the predetermined number of pulses is applied to the stepping motor at the standby position or detects a rotation amount or a corresponding value of the stepping motor during the software power-off state. Isozaki teaches of a sensor (being interpreted as the excitation phase counter MPC), that detects if the stepping motor needs to driven a number of pulses, as seen in Fig. 4, and read in column 41 through 62. Thus, if the MPC is not a "1", then "the stepping motor is driven by additionally exciting the

excitation phases forcedly” until the MPC value changes to a “1”. This can be interpreted as detecting the number of pulses needed when restarting the excitation of the stepping motor.

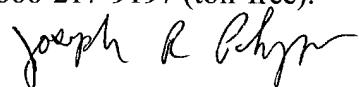
4. Therefore, the rejection of *claims 1-7, and 12-18*, as cited in the Office action dated 3/24/04 under 35 U.S.C.102(e), as being anticipated by Isozaki, is maintained. Further, for the same reasons discussed above, the rejection of dependent *claims 19 and 20*, under 35 U.S.C. 103(a), as being unpatentable over Isozaki in view of Cronch *et al.* (U.S. Patent Number 4,706,008), is also maintained.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp



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